

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CRAWFORD,

Plaintiff, No. CIV S-02-1180 GEB JFM P

vs.

K. TASISTA, et al.,

Defendants. ORDER TO SHOW CAUSE

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This matter is pending before this court for pretrial conference on the papers. In connection therewith, plaintiff has filed a motion for the attendance of five incarcerated witnesses at the jury trial of this matter: Frank Huntley, # D-94110; Enrique Oguendo, # K-54033; Daniel R. Lopez, # H-70844¹; Nhan Tri Nguyen, # J-18479; and Leng Vang, # K-09932. In his motion, plaintiff states that he is “unaware whether the prospective witnesses are willing to

¹ The court has been informed by the inmate locator service with the California Department of Corrections and Rehabilitation that Daniel Lopez was released on parole on April 6, 2007. Since Mr. Lopez is no longer in custody, the procedures for obtaining the attendance of incarcerated witnesses at trial no longer apply to this witness. Plaintiff will be responsible for obtaining the attendance of Mr. Lopez at trial in accordance with the procedures for obtaining the attendance of unincarcerated witnesses set forth in this court’s revised scheduling order filed September 13, 2007.

1 testify at trial.” Motion for Attendance of Incarcerated Witnesses, filed October 9, 2007, at 1.
2 Plaintiff has presented evidence that he asked the litigation coordinator at California State
3 Prison-Solano to provide him with the current address of his five inmate witnesses and that the
4 litigation coordinator refused to provide plaintiff with this information “especially without a
5 court order.” Ex. D to Plaintiff’s Motion for Attendance of Incarcerated Witnesses, filed October
6 9, 2007, at 15.

7 Good cause appearing, counsel for defendants will be directed to show cause in
8 writing if any there is why the litigation coordinator at California State Prison-Solano should not
9 be directed to permit plaintiff to speak with inmates Oguendo, Nguyen, Huntley and Vang to ask
10 whether they are willing to testify in these proceedings voluntarily.²

11 In accordance with the above, IT IS HEREBY ORDERED that defendants shall
12 respond to this order to show cause on or before February 29, 2008.

13 DATED: February 15, 2008.

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16 UNITED STATES MAGISTRATE JUDGE

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23 ² On November 7, 2007, defendant filed an opposition to plaintiff’s motion. Therein,
24 defendant contends that plaintiff’s motion should be denied as to inmates Nguyen and Huntley
25 because on October 23, 2007 and October 30, 2007, respectively, said inmates told counsel for
26 defendant that they did not want to testify for either party in these proceedings. Defendant has
filed an affidavit of counsel attesting to the inmates’ statements. In this court’s view, these
affidavits, without more, do not provide sufficient cause to preclude plaintiff from speaking with
inmates Nguyen and Huntley.